

1 both cases by Glendale's counsel and the great majority of
2 Glendale's counsel -- Glendale's counsel's questioning of both
3 witnesses was questioning on statements made by those
4 witnesses in those affidavits, so they are an integral part of
5 the deposition testimony and, and the testimony was addressed
6 to the affidavits, so I can't -- I don't see how they can be
7 separated out as part and parcel.

8 JUDGE CHACHKIN: Well, I've heard enough. Again, we
9 have a situation here apparently where there is some
10 inconsistency and controversy over what, what the witnesses
11 said believe happened and what Trinity -- and what Glendale's
12 principles or agents believe happened, and I have to decide
13 who I should -- whose recollection is better. All I will have
14 at the hearing presumably if Trinity's witnesses don't testify
15 is Glendale's witnesses and reading, reading a record will not
16 assist me in determining whose, whose version I should accept.
17 If this was a matter in which we had a situation where we were
18 dealing with a non-controversial aspect of the proceeding,
19 then obviously there would be no need for the witnesses to be
20 here. These could be matters -- I could accept the
21 deposition. But here we have a situation where we have a
22 conflict in the testimony of the witnesses and under the
23 circumstances I believe it only fair and reasonable that these
24 witnesses for brought forward to testify and I'm going to
25 require them to be made available for cross-examination.

1 MR. EMMONS: Your Honor, I assume you would sign
2 subpoenas for us to issue to these persons?

3 JUDGE CHACHKIN: I certainly will. Any other
4 matters to take up this morning?

5 MR. EMMONS: Oh, yes, Your Honor. I forgot. There
6 are four other witnesses that all relate to the renewal
7 expectancy portion of the case, they being Michael Everett,
8 Robin Downing, Lindy Dresler and Christopher Holt who is the
9 sponsor of the composite week exhibit being offered by
10 Trinity. We think there is no controversy left as to these
11 four. The parties are in the process of preparing and
12 finalizing stipulations that would eliminate the need to have
13 testimony from Mr. Everett, Ms. Downing and Ms. Dresler,
14 although that's not finalized yet. Mr. Dunn who was working
15 on that on our side has a, a medical problem yesterday
16 afternoon and today so that's not done yet, but we think it
17 will be done. With respect to Mr. Holt, Glendale has in their
18 pleading indicated that what they need from Mr. Holt is by way
19 of voir dire examination to ascertain I presume the basis and
20 procedures by which the composite week exhibit was prepared so
21 that Glendale may formulate any objections they may have to
22 the introduction of that exhibit. In their pleading they also
23 indicated that they would be willing by some informal
24 procedure to ascertain that information if possible so as to
25 avoid the need to take up hearing time by having a voir dire

1 examination on the witness stand. Mr. Schauble and I have
2 talked this morning about arranging some informal process for
3 that to be done this week. I expect we'll be talking again
4 after this session and, if that's going to be agreeable, then
5 there won't be any need for Mr. Holt. We don't have any
6 objection to Mr. Holt being examined on voir dire at all. We
7 just want to save your time and, and the hearing time by not
8 having to do it on the witness stand.

9 JUDGE CHACHKIN: Mr. Schauble?

10 MR. SCHAUBLE: Your Honor, with respect to Mr.
11 Everett, Ms. Downing and Ms. Dresler, we're working on
12 stipulations and assuming that we're -- you know, once we've
13 finalized -- assuming we, we can finalize and enter into
14 stipulations concerning those three witnesses with -- and also
15 agree to the admission of certain additional documents, I
16 would be willing -- at that time I'd be willing to release
17 those three witnesses from cross-examination if we can reach
18 appropriate stipulations. I don't think it's necessary for
19 Your Honor to personally examine those witnesses. And with
20 respect to Mr. Holt, I'm willing to work with Trinity on such
21 a procedure as he's described.

22 JUDGE CHACHKIN: Well, if the parties are agreeable
23 to stipulations, then I certainly look forward -- I certainly
24 to the fullest extent advise you to stipulate. It certainly
25 benefits all of us. It saves time and I certainly think it

1 should be encouraged, so unless I hear otherwise I will assume
2 that the parties will reach a stipulation with respect to the
3 testimony of Everett -- who is it -- Dresler and Downing and
4 also with respect to Holt. If I hear otherwise then, of
5 course, I'll have to make a ruling at that time. At this time
6 I don't have to make a ruling.

7 MR. SCHAUBLE: I believe that's correct, Your Honor.

8 MR. EMMONS: Agreed, Your Honor.

9 JUDGE CHACHKIN: Anything else? Does the Bureau
10 have anything further?

11 MR. SHOOK: Nothing, Your Honor.

12 JUDGE CHACHKIN: All right. Then we're in recess
13 then until Monday morning.

14 (Whereupon, the conference was adjourned at 10:07
15 a.m.).

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IN THE MATTER OF TRINITY BROADCASTING OF FLORIDA, INC.

Name AND GLENDALE BROADCASTING COMPANY, INC.

MM DOCKET NO. 93-75

Docket No.

WASHINGTON, D.C.

Place

NOVEMBER 23, 1993

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 149 through 176, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

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